

REMARKS

It is noted that the instant Office Action objects to the Specification of the instant Application.

It is also noted that Claims 1-10 are currently pending, and that the Office Action rejects Claims 1-10.

Furthermore, it is noted that amendments to Claims 1-10 are presented herein. No new matter has been presented as a result of these amendments. Indeed, support for these amendments may be found at least at page 2, line 25 – page 3, line 15, page 4, lines 20-27, page 13, line 27 – page 15, line 23, and in Claim 4 of the instant Application.

SPECIFICATION

The instant Office Action objects to the specification of the instant Application “as failing to provide proper antecedent basis for the claimed subject matter.” See the instant Office Action, section 2, page 2, citing 37 CFR 1.75(d)(1) and MPEP § 608.01(o). In particular, the instant Office Action states:

Regarding claims 1-10, “first display screen”, “first position”, “second display screen”, and “second position” are [sic???] described in the specification as submitted originally.

See the instant Office Action, section 2, page 2 (emphasis omitted).

With respect to Claims 1-10, as amended herein, Applicants respectfully point out that the terms “first display screen” and “second display screen” have been replaced

with the terms “display screen” and “display unit”, respectively. Support for these terms may be found at least at page 2, line 25 – page 3, line 15 and page 13, line 27 – page 15, line 23 of the instant Application.

With respect to the features “first position” and “second position”, Applicants respectfully submit that the specification of the instant Application provides a proper antecedent basis for these features for at least the following rationale.

It is noted that an antecedent basis for the presented claim language is required to exist in the specification of a filed application. See, e.g., 37 CFR § 1.75(d)(1). However, Applicants respectfully submit that a verbatim, antecedent basis for the presented claim language need not exist in the specification. As the Federal Circuit explained in *Purdue Pharma L.P. v. Faulding Inc.*, 230 F.3d 1320, 6 USPQ2d 1481, 1483 (Fed. Cir. 2000):

In order to satisfy the written description requirement, the disclosure as originally filed does not have to provide in haec verba support for the claimed subject matter at issue.

Id., citing *Fujikawa v. Wattanasin*, 93 F.3d 1559, 1570, 39 USPQ2d 1895, 1904 (Fed. Cir. 1996) (emphasis added). See also MPEP § 2173.05(e), which states:

The mere fact that a term or phrase used in the claim has no antecedent basis in the specification disclosure does not mean, necessarily, that the term or phrase is indefinite. There is no requirement that the words in the claim must match those used in the specification disclosure. Applicants are given a great deal of latitude in how they choose to define their invention so long as the terms and phrases used define the invention with a reasonable degree of clarity and precision.

Additionally, Applicants respectfully note the following:

drawings alone may provide a written description of an invention as required by [35 U.S.C.] § 112. ... Drawings constitute an adequate description if they describe what is claimed and convey to those of skill in the art that the patentee actually invented what is claimed.

Cooper Cameron Corp. v. Kvaerner Oilfield Prods., 291 F.3d 1317, 62 USPQ2d 1846, 1850 (Fed. Cir. 2002).

Turning now to the features at issue, Applicants respectfully submit that the features “first position” and “second position” are described in the instant Application. For example, Applicants respectfully point out that the features “first position” and “second position” are described at least in Figures 2 and 7 of the instant Application, wherein display panel 7 is shown to be moveable to different positions. See also, *e.g.*, the instant Application, page 14, line 16 – page 15, line 3 and page 17, lines 20-27.

For at least the foregoing rationale, Applicants respectfully submit that the features at issue are presented with a reasonable degree of clarity and precision so as to clearly define the metes and bounds of Claims 1-10, in view of the specification of the instant Application. Accordingly, Applicants respectfully request that the objection to the specification of the instant Application be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Hirano in view of Schaper

The instant Office Action states that Claims 1 and 6-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano (U.S. Patent No. 6,570,628) in view of Schaper (U.S. Patent No. 7,373,605).

It is noted that independent Claim 1, and similarly independent Claims 9 and 10, recite the features (emphasis added):

An apparatus comprising:
a display screen configured for movement between a first position and a second position, wherein the display screen at least partially covers a control switch and/or a display unit when the display screen is in the second position;
and
a control device configured to offer functionality of the control switch and/or display information from the display unit on the display screen based on the display screen being in the second position.

Applicants have reviewed the cited art, and respectfully submit that Claims 1 and 6-10 are patentable over the cited art for at least the following rationale.

I. HIRANO

The instant Office Action states:

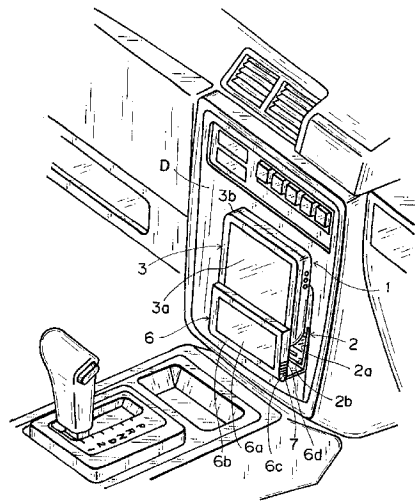
[a]s to claims 1 and 9-10, Hirano discloses ... functionality of the control switch and/or display information are offered from the second display screen on the first display screen when the first display screen is in the second position

Id., page 3, section 4, *citing* Hirano, column 1, lines 17-22; column 3, lines 59-67.

However, Applicants respectfully submit that Hirano fails to teach or suggest

“display[ing] information from the display unit on the display screen based on the display screen being in the second position”, as claimed, for at least the following rationale.

F I G . 1



With reference to the aforementioned cited portions of Hirano, as referenced in the instant Office Action, Applicants respectfully point out that Hirano teaches:

The display panel 3a serves to display the various items of information of the car navigation system and serves as a display portion of a television receiver. ... The display panel 6a serves to display the various items of information such as the setting status of a CD deck which is an electric appliance and various items of information such as the setting information and the operating information of an air conditioner.

Hirano, column 3, line 63 – column 4, line 13 (emphasis added). Assuming arguendo that Hirano teaches the use of two display panels (e.g., display panels 3a and 6a, as shown in Figure 1 of Hirano, reproduced *supra*), Applicants nevertheless respectfully submit that Hirano fails to teach or suggest that display panel 6a displays information from display panel 3a.

To illustrate, Applicants understand Hirano to teach that display panel 6a displays items such as the setting status of a CD deck or the setting information and the operating information of an air conditioner. See *id.* However, Applicants respectfully point out that Hirano fails to teach that display panel 6a serves to display navigation system or television information from display panel 3a.

In view of the foregoing, Applicants do not find Hirano to teach or suggest:

An apparatus comprising:

a display screen configured for movement between a first position and a second position, wherein the display screen at least partially covers a control switch and/or a display unit when the display screen is in the second position; and

a control device configured to offer functionality of the control switch and/or display information from the display unit on the display screen based on the display screen being in the second position.

as claimed (emphasis added).

FIG. 2

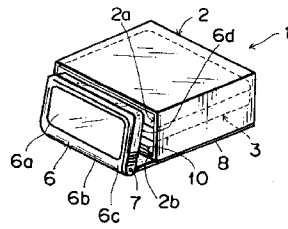


FIG. 3

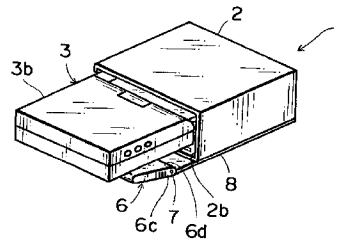
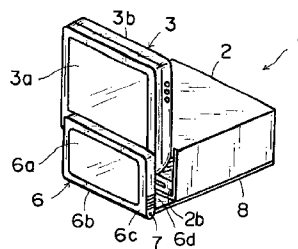


FIG. 4



To further illustrate, Figures 2, 3 and 4 of Hirano are included herein for your convenience. With reference again to Figure 1 of Hirano, as reproduced *supra*, first display unit 3 is ejectably contained in an enclosure 2, and second display unit 6 is rotatably mounted on enclosure 2 in front of first display unit 3. In Figure 2, display panel 6a of second display unit 6 is in its viewing position. In Figure 3, first display unit 3 is ejected and second display unit 6 is rotated outward. In Figure 4, both display panel 3a of first display unit 3 and display panel 6a of second display unit 6 are in their viewing positions.

Thus, in Hirano, Applicants find that only display panel 6a of second display unit 6 is in its viewing position in Figure 2. Then, both first display unit 3 and second display unit 6 are moved such that both display panel 3a and display panel 6a arrive at their respective viewing positions. However, Applicants do not find Hirano to teach or suggest:

a control device configured to offer functionality of the control switch and/or display information from the display unit on the display screen based on the display screen being in the second position.

as claimed (emphasis added).

In view of the foregoing, Applicants respectfully submit that Hirano fails to teach or suggest the claim features at issue.

II. SCHAPER

It is further noted that the Office Action states:

Hirano does not specifically teach a control device configured to offer functionality of the control switch and/or display information from the second display screen on the first display screen when the first display screen is in the second position.

Id., section 4, page 3 (emphasis added). Applicants respectfully agree.

The Office Action also states:

Schaper teaches a control device configured to offer display information from the second display screen on the first display screen when the first display screen is in the second position (figs. 2, 4, col. 2, line 49-col. 3, line 2).

Id. (emphasis added). However, Applicants respectfully submit that Hirano, alone or in combination with Schaper fails to teach, or even suggest, “a control device configured to

... display information from the display unit on the display screen based on the display screen being in the second position”, as claimed (emphasis added).

For example, and with reference to Figure 1 of Hirano, which is reproduced herein for your convenience, it is noted that Hirano teaches a “first display unit 3 [that] includes a display panel 3a” *Id.*, column 3, line 59. Hirano further teaches a “second display unit 6 [that] includes a display panel 6a” *Id.*, column 4, line 5.

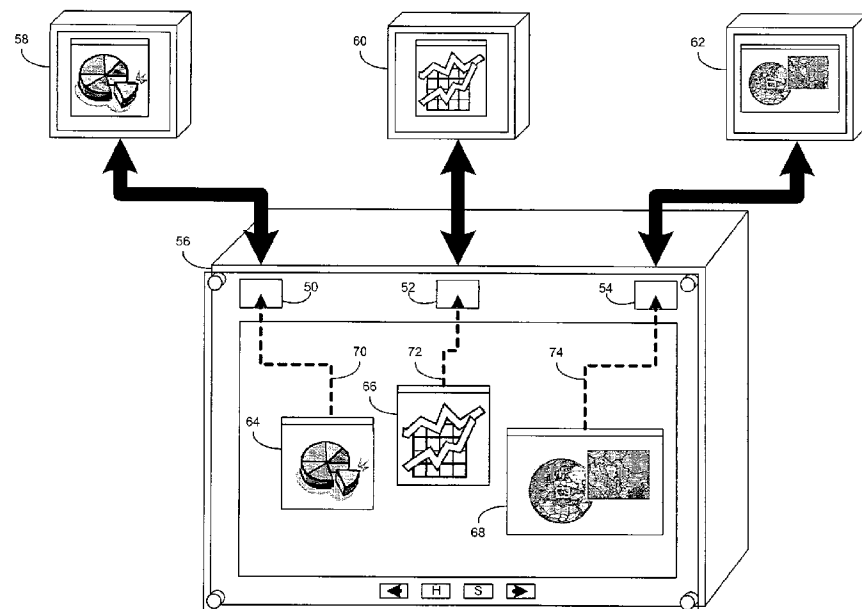


Fig. 2

With reference now to Schaper, it is noted that Schaper relates to a “[p]resentation system for displaying data”. See Title of Schaper. Specifically, and with reference to Figure 2 of Schaper, which is reproduced herein for your convenience, it is noted that Schaper teaches:

the definition and selection module 22 associates various linking areas (e.g. linking areas 50, 52, and 54) on a primary display screen 56 with individual secondary display screens (e.g., secondary display screens 58, 60, 62). The selection and display module 24 allows a user to select various portions of data (e.g., pie chart 64, line chart 66, and map 68) displayed on the primary display screen 56 and move and/or copy them onto one or more secondary display screens (e.g., secondary display screens 58, 60, and 62 respectively).

Schaper, column 2, lines 52-62 (emphasis added).

In view of the foregoing, assuming arguendo that modifying Hirano in view of Schaper would suggest displaying data from first display unit 3 on display panel 6a based on a user selection, Applicants do not find Hirano, alone or in combination with Schaper, to teach or suggest “a control device configured to ... display information from the display unit on the display screen based on the display screen being in the second position”, as claimed (emphasis added).

The foregoing notwithstanding, the Office Action cites to Figures 2 and 4, and to column 2, line 49 to column 3, line 2 of Schaper. However, upon reviewing the aforementioned cited portions of Schaper, Applicants nevertheless do not find Schaper to teach or suggest the claim features at issue.

Indeed, and with reference to Figure 2 of Schaper, as reproduced *supra*, Applicants find Schaper to teach that when various portions of data (e.g., pie chart 64, line chart 66, and map 68) displayed on primary display screen 56 are moved or dragged to linking areas 50, 52, and 54 by a user's dragging, as shown by arrows 70,

72, and 74, the moved data is copied to individual secondary display screen 58, 60, and

62. However, Applicants respectfully submit that Schaper fails to teach or suggest:

An apparatus comprising:
a display screen configured for movement between a first position and a second position, wherein the display screen at least partially covers a control switch and/or a display unit when the display screen is in the second position;
and

as well as:

a control device configured to offer functionality of the control switch and/or display information from the display unit on the display screen based on the display screen being in the second position.

as claimed (emphasis added).

In view of the foregoing, Applicants respectfully submit that Hirano, either alone or in combination with Schaper, fails to teach:

An apparatus comprising:
a display screen configured for movement between a first position and a second position, wherein the display screen at least partially covers a control switch and/or a display unit when the display screen is in the second position;
and
a control device configured to offer functionality of the control switch and/or display information from the display unit on the display screen based on the display screen being in the second position.

as claimed (emphasis added). Accordingly, Applicants respectfully submit that the combination of Hirano and Schaper fails to teach or suggest the embodiment of Claim 1, and similarly the embodiments of Claims 9 and 10.

Additionally, Applicants respectfully submit that a person having ordinary skill in the art would not be motivated to modify Schaper to include the features at issue. For

example, Applicants respectfully submit that rather than teaching toward the claim features at issue, Schaper teaches away from the claimed embodiments.

In particular, in so much as Applicants find Schaper to teach that data is copied to individual secondary display screen 58, 60, and 62 based on a user's dragging of such data to linking areas 50, 52, and 54, as shown by arrows 70, 72, and 74, Applicants respectfully submit that Schaper teaches away from copying the moved data to individual secondary display screens 58, 60 and 62 based on individual secondary display screens 58, 60 and 62 at least partially covering primary display screen 56.

Accordingly, Applicants respectfully submit that Schaper teaches away from the features:

An apparatus comprising:
a display screen configured for movement between a first position and a second position, wherein the display screen at least partially covers a control switch and/or a display unit when the display screen is in the second position;
and
a control device configured to offer functionality of the control switch and/or display information from the display unit on the display screen based on the display screen being in the second position.

as claimed (emphasis added).

For at least the foregoing rationale, Applicants respectfully submit that Claims 1, 9 and 10 are not unpatentable over Hirano in view of Schaper pursuant to 35 U.S.C. § 103(a). As such, allowance of Claim 1 is respectfully requested.

Hirano in view of Schaper, and in further view of Morimoto et al.

The instant Office Action states that Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano in view of Schaper, and in further view of Morimoto et al. (U.S. Patent No. 5,757,359; hereinafter “Morimoto”). Applicants have reviewed the cited art, and respectfully submit that Claim 2 is patentable over Hirano in view of Schaper, and in further view of Morimoto, for at least the following rationale.

Claim 2 is dependent on independent Claim 1, and includes the features of Claim 1. Hence, by demonstrating that Hirano in view of Schaper, and in further view of Morimoto, does not teach or suggest the features of Claim 1, it is demonstrated that Hirano in view of Schaper, and in further view of Morimoto, does not teach or suggest the features of Claim 2.

Applicants respectfully submit that Hirano, alone or in combination with Schaper and Morimoto, fails to teach or suggest the features of Claim 1 at least because Morimoto fails to overcome the shortcomings of Hirano and Schaper, as discussed *supra*. In particular, Applicants respectfully point out that Morimoto teaches a “[v]ehicular information display system”. See title of Morimoto. However, Applicants respectfully submit that the vehicular information display system, as taught by Morimoto, fails to teach or suggest “a control device configured to offer functionality of the control switch and/or display information from the display unit on the display screen based on the display screen being in the second position”, as recited in Claim 1.

For at least the foregoing rationale, Applicants respectfully submit that Claim 1 is not unpatentable over Hirano in view of Schaper, and in further view of Morimoto, pursuant to 35 U.S.C. § 103(a).

With respect to Claim 2, Applicants respectfully point out that Claim 2 depends from allowable Claim 1, and recites the features of Claim 1. Therefore, Applicants respectfully point out that Claim 2 overcomes the rejection under 35 U.S.C. § 103(a), and that Claim 2 is thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claim 2 is respectfully requested.

Hirano in view of Schaper, and in further view of Son et al.

The instant Office Action states that Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano in view of Schaper, and in further view of Son et al. (U.S. Patent Application No. 2004/0164974; hereinafter “Son”). Applicants have reviewed the cited art, and respectfully submit that Claim 3 is patentable over Hirano in view of Schaper, and in further view of Son, for at least the following rationale.

Claim 3 is dependent on independent Claim 1, and includes the features of Claim 1. Hence, by demonstrating that Hirano in view of Schaper, and in further view of Son, does not teach or suggest the features of Claim 1, it is demonstrated that Hirano in view of Schaper, and in further view of Son, does not teach or suggest the features of Claim 3.

Applicants respectfully submit that Hirano, alone or in combination with Schaper and Son, fails to teach or suggest the features of Claim 1 at least because Son fails to overcome the shortcomings of Hirano and Schaper, as discussed *supra*. In particular, Applicants respectfully point out that Son teaches an “[a]utomatic controllable display device according to image display direction”. See title of Son. However, Applicants respectfully submit that the automatic controllable display device according to image display direction, as taught by Son, fails to teach or suggest “a control device configured to offer functionality of the control switch and/or display information from the display unit on the display screen based on the display screen being in the second position”, as recited in Claim 1.

For at least the foregoing rationale, Applicants respectfully submit that Claim 1 is not unpatentable over Hirano in view of Schaper, and in further view of Son, pursuant to 35 U.S.C. § 103(a).

With respect to Claim 3, Applicants respectfully point out that Claim 3 depends from allowable Claim 1, and recites the features of Claim 1. Therefore, Applicants respectfully point out that Claim 3 overcomes the rejection under 35 U.S.C. § 103(a), and that Claim 3 is thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claim 3 is respectfully requested.

Hirano in view of Schaper, and in further view of Watanabe et al.

The instant Office Action states that Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano in view of Schaper, and in further view of Watanabe et al. (U.S. Patent No. 6,373,213; hereinafter “Watanabe”). Applicants have reviewed the cited art, and respectfully submit that Claim 4 is patentable over Hirano in view of Schaper, and in further view of Watanabe, for at least the following rationale.

Claim 4 is dependent on independent Claim 1, and includes the features of Claim 1. Hence, by demonstrating that Hirano in view of Schaper, and in further view of Watanabe, does not teach or suggest the features of Claim 1, it is demonstrated that Hirano in view of Schaper, and in further view of Watanabe, does not teach or suggest the features of Claim 4.

Applicants respectfully submit that Hirano, alone or in combination with Schaper and Watanabe, fails to teach or suggest the features of Claim 1 at least because Watanabe fails to overcome the shortcomings of Hirano and Schaper, as discussed *supra*. In particular, Applicants respectfully point out that Watanabe teaches a “[r]otation controlling apparatus and electronic apparatus”. See title of Watanabe. However, Applicants respectfully submit that the rotation controlling apparatus and electronic apparatus, as taught by Watanabe, fails to teach or suggest “a control device configured to offer functionality of the control switch and/or display information from the display unit on the display screen based on the display screen being in the second position”, as recited in Claim 1.

For at least the foregoing rationale, Applicants respectfully submit that Claim 1 is not unpatentable over Hirano in view of Schaper, and in further view of Watanabe, pursuant to 35 U.S.C. § 103(a).

With respect to Claim 4, Applicants respectfully point out that Claim 4 depends from allowable Claim 1, and recites the features of Claim 1. Therefore, Applicants respectfully point out that Claim 4 overcomes the rejection under 35 U.S.C. § 103(a), and that Claim 4 is thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claim 4 is respectfully requested.

Hirano in view of Schaper, and in further view of Ogawa et al.

The instant Office Action states that Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano in view of Schaper, and in further view of Ogawa et al. (U.S. Patent No. 6,628,245; hereinafter “Ogawa”). Applicants have reviewed the cited art, and respectfully submit that Claim 5 is patentable over Hirano in view of Schaper, and in further view of Ogawa, for at least the following rationale.

Claim 5 is dependent on independent Claim 1, and includes the features of Claim 1. Hence, by demonstrating that Hirano in view of Schaper, and in further view of Ogawa, does not teach or suggest the features of Claim 1, it is demonstrated that Hirano in view of Schaper, and in further view of Ogawa, does not teach or suggest the features of Claim 5.

Applicants respectfully submit that Hirano, alone or in combination with Schaper and Ogawa, fails to teach or suggest the features of Claim 1 at least because Ogawa fails to overcome the shortcomings of Hirano and Schaper, as discussed *supra*. In particular, Applicants respectfully point out that Ogawa teaches a “[m]ultifunction switch device with display function”. See title of Ogawa. However, Applicants respectfully submit that the multifunction switch device with display function, as taught by Ogawa, fails to teach or suggest “a control device configured to offer functionality of the control switch and/or display information from the display unit on the display screen based on the display screen being in the second position”, as recited in Claim 1.

For at least the foregoing rationale, Applicants respectfully submit that Claim 1 is not unpatentable over Hirano in view of Schaper, and in further view of Ogawa, pursuant to 35 U.S.C. § 103(a).

With respect to Claim 5, Applicants respectfully point out that Claim 5 depends from allowable Claim 1, and recites the features of Claim 1. Therefore, Applicants respectfully point out that Claim 5 overcomes the rejection under 35 U.S.C. § 103(a), and that Claim 5 is thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claim 5 is respectfully requested.

CONCLUSION

In light of the above-listed remarks, reconsideration of the objection to the Specification of the instant Application is respectfully requested. Moreover, based on the arguments presented above, it is respectfully requested that the objection to the Specification be withdrawn.

Additionally, in light of the above-listed remarks, reconsideration of rejected Claims 1-10 is respectfully requested. Moreover, based on the arguments presented above, it is respectfully submitted that Claims 1-10 overcome the rejections of record. Therefore, allowance of Claims 1-10 is respectfully solicited.

Should the Examiner have a question regarding the instant response, Applicants invite the Examiner to contact the Applicants' undersigned representative at the below-listed telephone number.

The foregoing notwithstanding, kindly note that the Commissioner is hereby authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is hereby authorized to treat this response as including a petition to extend the time period for response, pursuant to 37 CFR 1.136(a), said petition requesting an extension of time of the number of months available to allow this response to be timely filed, and the petition fee due in connection therewith may be charged to Deposit Account No. 12-0415.

Respectfully submitted,

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Date: March 20, 2009

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